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Attorneys for Defendant,
CORNELL UNIVERSITY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

KEVIN VANGINDEREN,

Plaintiff,

v.

CORNELL UNIVERSITY

Defendants.

) Case No. 07-CV-2045-BTM (JMA)

) **DECLARATION OF CLIFFORD S.**
) **DAVIDSON IN SUPPORT OF**
) **DEFENDANT CORNELL**
) **UNIVERSITY'S APPLICATION TO**
) **THE CLERK TO TAX COSTS**

) Hon. Barry T. Moskowitz

) [Notice of Application and Bill of Costs
) filed concurrently]

) Date: July 8, 2008

) Time: 10 a.m.

) Place: Room 4290
) (619) 557-6415

DECLARATION OF CLIFFORD S. DAVIDSON

I, Clifford S. Davidson, declare:

1. I am an attorney associated with the law firm Proskauer Rose LLP ("Proskauer"), attorneys for defendant Cornell University ("Cornell") in the above-captioned action. I submit this Declaration in support of defendant Cornell University's Application to the Clerk to Tax Costs. I make this declaration of my own personal knowledge except where otherwise stated, and if called as a witness, I could and would testify competently as set forth below.

2. Attached collectively to the Bill of Costs are an itemization of costs in each category listed on the Bill of Costs and invoices supporting the amounts set forth in the concurrently-filed Bill of Costs. The invoices are kept in the ordinary course of business by the Proskauer Accounting Department, which provided those invoices to me. Because the invoices reflect charges incurred in other Proskauer matters, I redacted the invoices to reflect only amounts incurred by Cornell in the above-captioned action. I further redacted the invoices to eliminate charges for which costs are not recoverable. I updated the totals on the invoices accordingly.

3. It is Proskauer's occasional practice to request the messenger services it uses to advance filing fees. Proskauer later reimburses the messenger service for those fees and passes that cost on to the appropriate client. For this reason, the October 29, 2007 entry on the invoice from U.S. Legal Management Services, Inc. reflects the \$350 filing fee Cornell incurred upon removal of the above-captioned action to this Court from the San Diego Superior Court.

4. The attachments to the Bill of Costs include Federal Express ("FedEx") invoices reflecting (a) service upon Plaintiff of Cornell's filings, necessary pursuant to Local Rule because Plaintiff is proceeding *pro se*; and (b) expenses associated with providing to the Court courtesy copies of Cornell's filings. The Proskauer Accounting Department informs me that the FedEx master invoices attached to the Bill of Costs constitute the official backup documentation maintained by Proskauer. The original invoices are submitted to FedEx, which then issues master invoices in the form attached to the Bill of Costs. I redacted the FedEx master invoices and omitted extraneous pages such that the attached FedEx master invoices reflect only the costs

1 Cornell incurred in the above-captioned matter. I further redacted the invoices to eliminate
2 charges for which costs are not recoverable.

3 5. The costs claimed in the Bill of Costs – fees of the Clerk, expenses related to
4 service of process and courtesy copies, and messenger services – are allowable by law, the Federal
5 Rules of Civil Procedure or the Local Rules. The costs claimed are correctly stated and were
6 necessarily incurred in the course of defending Cornell in this litigation.

7
8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct.

10 Executed this 18th day of June, 2008, at Los Angeles, California.

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